

THE AMENDMENT

Claims 13-41 are in the case. Claims 13, 18, 27-28, 33-34, 36, 38 and 40 have been amended.

Amendments have been made to claims 18, 27, 38 and 40 to correct grammatical errors which are apparent from their context.

Amendments have been made to claims 13, 27-28, 33-34, 36 and 40 to provide correct antecedent bases for various elements and are apparent from their context.

The amendments to claims 34 and 40 regarding “playing the skill game on the skill game device/apparatus” are supported by the disclosure in claim 13.

Applicants respectfully submit that the Amendment does not introduce new matter and request that the Amendment be entered.

REMARKS

1. Brief Summary of Embodiments of the Invention

In one embodiment of Applicants’ invention, a gaming apparatus includes a random number generator; a skill game device that allows a game player to play a skill game, the skill game having a skill game outcome, the skill game outcome being shown to the game player, wherein the skill game outcome may be influenced by the player; a processor in communication with the random number generator, the processor configured to randomly determine a prize, the processor configured to calculate a multiplier, the multiplier being a quotient of the prize divided by the skill game outcome; and a display in communication with the processor and the skill game device, the display being configured to display the prize and the multiplier to the player.

In another embodiment of Applicants' invention, a gaming method includes determining a prize; allowing a player to use skill to determine a skill game outcome while playing on a skill game device; dividing the prize by the skill game outcome to determine a multiplier; displaying the multiplier to the player on the skill game device; and awarding the prize to the player, wherein the prize appears to be the product of the skill game outcome and the multiplier.

2. Rejection of claims 13-27 and 40-41 under 35 USC §103(a) as being unpatentable over Bansemer et al. (U.S. Patent No. 6,780,103):

Claims 13-27 and 40-41 stand rejected under 35 USC §103(a) as being obvious over Bansemer et al. Applicants respectfully traverse the rejection.

Bansemer et al. appears to disclose a gaming device where a player's skill at an action or event determines the player's success or failure in the round. The game may also involve a pseudo-skill game, where the player keeps playing until the player's skill produces a required number of successful outcomes. Alternatively, the gaming device may randomly determine when and how many times to produce a successful outcome.

Regarding independent claims 13 and 40, the Office acknowledges that Bansemer et al. does not teach or disclose (1) a processor configured to randomly determine a prize, to calculate a multiplier that is the quotient of the prize divided by the skill game outcome; or (2) a display that is in communication with the processor, the display configured to show the prize and the multiplier of the skill game outcome to the player.

However, the Office contends that it would have been obvious to take the teachings of Bansemer et al. to specify calculation of a multiplier that is the quotient of the (actual) prize

divided by the skill game outcome (per Applicants' claims). The Office appears to rely on the case where the game award (prize) for playing the skill game is already predetermined randomly by the processor in Bansemer et al. (col 13:21-32) and that it would have been obvious to use any type of formula or algorithm to give the player the illusion that the final prize is actually determined by player's skill, e.g., for example, where the game award may be a multiple of the player's initial bet – see (col 13:23-28) where Bansemer et al. states that:

“When the event involving skill 58, in either the true skills or pseudo-skill embodiments, displays the awards, such as the awards 66 of the embodiment illustrated by FIGS. 7 and 9 ... the game predetermines the monetary gaming awards for successful outcomes.”

The only reference in Bansemer et al. regarding giving the player an illusion of actually controlling the final outcome is at col 11:3-14:

“... the pseudo-skill game randomly determines when to invoke or activate a successful outcome 64 from the database. That is, the processor 38 is not programmed to determine if the player's timing or aim is accurate; rather, the game maintains a certain probability of success in memory 40, e.g., 60%, and randomly determines the player's success or failure. It should be appreciated that the game can maintain any desired probability of success, however, the game preferably sets the probability to a point that enables the bonus round to proceed expeditiously. The present embodiment gives the illusion that the player's skill at an action determines whether the player wins an award.”

Other than stating that their game “gives the illusion that the player's skill at an action determines whether the player wins an award,” Bansemer et al., only refers to controlling the timing (e.g., number of successful skill game outcomes) of awarding a prize, and/or the value of the final prize. There is no suggestion or teaching in the above citation or anywhere else in Bansemer et al. regarding the “calculation of a multiplier that is the quotient of the prize divided

by the skill game outcome” and “displaying the prize and multiplier of the skill game outcome” to the player (as required by Applicants’ claims).

Therefore, the Office’s contention that the acknowledged deficiencies of Bansemer et al. (see above) are merely obvious extensions of the Bansemer et al. disclosure is without merit. According to MPEP 706.02(j), in order to support a conclusion that a claimed invention is directed to obvious subject matter, the “reference(s) must expressly or impliedly suggest the claimed invention,” i.e., all claims limitations must be considered.

Applicants respectfully submit that the Office is emphasizing the “illusion of playing a skill game” feature alone, without consideration of the specific requirement of (1) “calculating a multiplier that is the quotient of the prize divided by the skill game outcome” and (2) “displaying the prize and multiplier of the skill game outcome” to the player (as required by Applicants’ claims). The Office has provided no evidentiary support in Bansemer et al., regarding the contention that Applicants’ aforementioned claim elements would be merely obvious extensions of the Bansemer et al. disclosure as viewed by one of ordinary skill in the art.

Applicants submit that *prima facie* obviousness has not been established regarding the rejection of independent claims 13 and 40, as well as related dependent claims 22-27 and 41. Accordingly, Applicants respectfully request that the rejection under 35 USC §103(a) over Bansemer et al. be withdrawn.

3. Rejection of claims 28-39 under 35 USC §103(a) as being unpatentable over Bansemer et al. (U.S. Patent No. 6,780,103) in view of Bansemer et al. (U.S. Patent Application Publication No. 2002/0049082):

Claims 28-39 stand rejected under 35 USC §103(a) as being obvious over Bansemer ('103) in view of Bansemer ('082). Applicants respectfully traverse the rejection.

Bansemer ('082) appears to disclose a gaming device wherein the game displays the player's attempt or action on a screen depicting success or failure and awards gaming device credits or multipliers for successful results and a player's skill at an event or action determines or appears to determine when the player wins an award.

Regarding independent claim 34, the Office acknowledges that Bansemer ('103) does not teach or disclose (1) calculating a multiplier that is the quotient of the prize divided by the skill game outcome; or (2) displaying the multiplier of the skill game outcome to the player. As presented above in Section 2, the Office contends that it would have been obvious to take the teachings of Bansemer ('103) to specify calculation of a multiplier that is the quotient of the (actual) prize divided by the skill game outcome (per Applicants' claims). Applicants rely on the discussion presented above in Section 2 to overcome the rejection of independent claim 34 (and its dependent claims 35-39). Applicants further note that the disclosure of Bansemer ('082) does not address the acknowledged deficiencies of Bansemer ('103) regarding claims 34-39.

Regarding claims 28-33 (dependent from claim 13), Applicants submit that, although Bansemer ('082) does disclose a basketball skill game, the Office's reliance on Bansemer ('082) in conjunction with Bansemer ('103) does address or overcome the acknowledged deficiencies of Bansemer ('103) as discussed above in Section 2 above.

Applicants submit that the Office has failed to establish *prima facie* obviousness regarding claims 28-33 (dependent from claim 13) and independent claim 34, as well as related dependent claims 35-39. Accordingly, Applicants respectfully request that the rejection under 35 USC §103(a) over Bansemer ('103) in view of Bansemer ('082) be withdrawn.

Conclusion

For all of the above reasons, the Applicants submit that the present application is in condition for allowance. If the Examiner has any questions regarding the application or amendment, the Examiner is encouraged to call the Applicants' attorney, Ian F. Burns, at (775) 826-6160.

Respectfully submitted,

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